



UNITED STATES DEPARTMENT OF COMMERCE
Chief Information Officer

Washington, D.C. 20230

OCT 20 2000

MEMORANDUM FOR: Chief Information Officers

FROM: Roger W. Baker *George W. Baker*
Chief Information Officer

SUBJECT: Use of "persistent cookies" on Commerce Web Sites

The Office of Management and Budget (OMB) issued a requirement that agencies implement policy in accordance with OMB Memorandum 00-13 that pertains to privacy policies and data collection on Federal Web Sites. In addition to posting clear privacy policies on agency web sites, OMB requires that agencies issue policy on the use of "cookies." Because of the unique laws and traditions about government access to citizens' personal information, the presumption should be that cookies will not be used at Federal web sites. Under this new Federal policy, "persistent cookies" (i.e., which can be used to track the activities of users over time and across different web sites) should not be used at Federal web sites, or by contractors when operating web sites on behalf of agencies, unless, in addition to clear and conspicuous notice, the following conditions are met: a compelling need to gather the data on the site; appropriate and publicly disclosed privacy safeguards for handling of information derived from cookies, and personal approval by the head of the agency.

This policy does not apply to "session cookies" which are discarded on completion of a session or expire based on a short time frame, and are not used to track personal information. However, the use of these cookies should continue to be disclosed in the privacy statement for the web site.

The attached policy requires that no "persistent cookies" will be used on Department of Commerce web sites without approval of the Secretary. By November 24, please submit your requests for use of persistent cookies, with the justification as required in the attached policy, to the Secretary through me and include a copy of the privacy statement that discloses use of the cookies.

Attachment

cc: Heads of Operating Units



Department of Commerce
Policy on Use of Cookies on Commerce Web Sites

1. Purpose.

This document states the Department's policy and provides guidance for the use of cookies on Department of Commerce Internet web sites.

The goal is to ensure that the Department's operating units and organizational components protect an individual's right to privacy when collecting personal information.

2. Contents.

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3. Information and Assistance. Guidance on this policy may be obtained from:

Office of Chief Information Officer
Electronic Government Division
HCH Building, Room 6066
202-482-0121

4. Definitions.

Cookies	Small bits of software that are placed on a web user's hard drive to track information about a user's web site usage.
Persistent Cookies	Technology that can be used to track the activities of users over time and across different web sites.
Session Cookies	Cookies which are discarded on completion of a session or expire based on a short time frame and are not used to track personal information.

5. Background.

The Office of Management and Budget (OMB) issued a policy memorandum (OMB Memorandum 00-13) on June 22, 2000 that reiterated their June 2, 1999 memorandum that agencies are to post clear privacy policies on agency principal web sites, as well as at any other known, major entry points to sites, and at any web page where substantial amounts of personal information are posted. Privacy policies must be clearly labeled and easily accessed when someone visits a web site. OMB guidance further provided that agencies could only use cookies, or other automatic means of collecting information if they gave clear notice of those activities.

Because of the unique laws and traditions about government access to citizens' personal information, the presumption should be that cookies will not be used at Federal web sites. Under this new Federal policy, "persistent cookies" (i.e., which can be used to track the activities of users over time and across different web sites) should not be used at Federal web sites, or by contractors when operating web sites on behalf of agencies, unless, in addition to clear and conspicuous notice, the following conditions are met: a compelling need to gather the data on the site; appropriate and publicly disclosed privacy safeguards for handling of information derived from "cookies"; and personal approval by the head of the agency.

6. Scope

This policy applies to all Department of Commerce operating units and other organizational components that operate web sites which are accessible to the public. This includes agency principal web sites, as well as at any other known, major entry points to sites, and at any web page where substantial amounts of personal information are posted.

This policy applies to "persistent cookies", i.e., cookies that are used to track activities of users over time and across different web sites. The most common use of persistent cookies is to retain and correlate information about users between sessions. This policy does not apply to "session cookies" which are discarded on completion of a session or expire based on a short time frame and are not used to track personal information. The use of these cookies, however, shall continue to be disclosed in the privacy statement for the web site.

7. Policy

It is the policy of the Department to prohibit the use of persistent cookies on agency web sites unless four conditions are met:

- a. The site gives clear and conspicuous notice;


- b. There is a compelling need to gather the data on the site;
- c. Appropriate and publicly disclosed privacy safeguards exist for handling any information derived from the cookies; and
- d. The use of persistent cookies has personal approval from the Secretary.

8. Responsibilities.

Operating units must ensure that persistent cookies are not used for the collection and tracking of personal information from their web sites. It is the responsibility of the operating unit's Chief Information Officer to ensure that this policy is carried out. If an operating unit requires the use of persistent cookies, they must:

- a. Submit a request for the Secretary's approval to the Department's Chief Information Officer citing the compelling need to gather the data on the site through the use of cookies.
- b. Include in your request a copy of the web site privacy statement that discloses how the information derived from the cookies will be used.

APPROVED:



Roger W. Baker

10/20/00

Effective Date